

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	14 Cr. 68 (KBF)
- against -	:	
ROSS ULBRICHT,	:	<b>NOTICE OF MOTION</b>
	:	<b>IN SUPPORT OF</b>
	:	<b>DEFENDANT</b>
	:	<b>ROSS ULBRICHT'S</b>
Defendant.	:	<b><u>MOTIONS IN LIMINE</u></b>
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**PLEASE TAKE NOTICE**, that upon the annexed Declaration of Joshua L. Dratel, Esq., and all prior papers and proceedings herein, the defendant, ROSS ULBRICHT, will move before the Honorable Katherine B. Forrest, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, at a time and date to be set by the Court, or as soon thereafter as counsel may be heard, for the following relief:

- (1) preclusion of certain evidence, and proposed Government Exhibits;
- (2) preclusion of any evidence of alleged attempted “murder[s] for hire” because the conduct alleged – which the government acknowledges did not result in any homicide or even violent behavior of any type – is irrelevant and/or unfairly prejudicial to Mr. Ulbricht pursuant to Rule 403, Fed.R.Evid.;
- (3) preclusion of certain proposed Government Exhibits because they are insufficiently authenticated pursuant to the standards set forth in the Second Circuit’s recent opinion in *United States v. Vayner*, 769 F.3d 125 (2d Cir. 2014);
- (4) preclusion of certain evidence and proposed Government Exhibits relating to Mr. Ulbricht’s alleged ordering of phony identification documents from the Silk Road

web site because it is respectfully submitted that the Court cannot draw the requisite four inferences – identified in *United States v. Al-Sadawi*, 432 F.3d 419, 424 (2d Cir. 2005) – with sufficient confidence to admit the evidence as consciousness of guilt, and because any probative value of such evidence is outweighed by the danger of unfair prejudice to Mr. Ulbricht; and

for any such other and further relief as to the Court seems just and proper.

Dated: New York, New York  
9 December 2014

/S/ Joshua L. Dratel  
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To: CLERK OF THE COURT  
UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF NEW YORK